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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,294	09/13/1999	SOPHIE WILSON	1073/OG117	5796
26111	7590	01/12/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MEONSKE, TONIA L	
		ART UNIT		PAPER NUMBER
				2183

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/395,294	WILSON, SOPHIE
Examiner	Art Unit	
Tonia L Meonske	2183	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 20 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) The period for reply expires ____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: ____.

3. Applicant's reply has overcome the following rejection(s): ____.
4. Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: ____.

Claim(s) objected to: ____.

Claim(s) rejected: ____.

Claim(s) withdrawn from consideration: ____.

8. The drawing correction filed on ____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). ____.
10. Other: ____.

Continuation of 5. does NOT place the application in condition for allowance because:
On pages 8 and 9, Applicant argues in essence:

"Examiner relies on col. 2, lines 52-56 to allegedly show that an instruction of the VLIW can define a single operation or two independent operations. In support of this position, Examiner states, "The VLIW instructions can change the processor from the first mode (the execution of a single operation), or the second mode (the execution of two independent operations)." However, upon closer inspection, the "two independent operations" to which the Examiner refers are merely "a half packet of instructions (1/2 of the VLIW eight instruction packet)." (Shiell, col. 5, lines 1-2). Thus each of the "two independent instructions" is merely a group of four instructions of the VLIW. Nothing in the cited material even suggests that an instruction of the VLIW can define a single operation or two independent operations. For example, Shiell does not suggest that any of the four instructions included in a half packet "independent operation" can define a single operation or two independent operations."

However, Shiell et al. have in fact taught that an instruction of the VLIW can define a single operation or two independent operations. In Shiell et al., the VLIW instruction (abstract, column 5, lines 50-67, The instructions processed in Shiell et al. are all VLIW.) defines a single operation (A VLIW instruction is executed in the first operating mode, or a single operation mode, so the instruction defines a single operation.) or two independent operations (A VLIW instruction is executed in a second operating mode, whereby two independent operations occur such that half of the processor is executing at least one operation {Where the at least one operation is equivalent to one of the instructions in the first half of the VLIW instruction of Shiell et al.} and the other half of the processor is executing at least one other operation {Where the at least one other operation is defined as one of the instructions in the second half of the VLIW instruction of Shiell et al.} that is independent from the first.) Therefore this argument is moot.



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